



## Facsimile Transmission

12750 HIGH BLUFF DRIVE • SUITE 300 • SAN DIEGO, CALIFORNIA 92130 •  
(858) 314-1200

RECEIVED Facsimile: (858) 314-1150  
CENTRAL FAX CENTER lsgraham@jonesday.com

JAN 25 2007

January 25, 2007

Please **HAND DELIVER** the following facsimile to:

| Name/Company:                   | Facsimile Number: | Telephone Number: |
|---------------------------------|-------------------|-------------------|
| <b>EXAMINER: SUMESH KAUSHAL</b> | 571-273-8300      | 571-272-0700      |

**UNITED STATES PATENT AND TRADEMARK OFFICE**

Operator's initials

From: Lawrence S. Graham Direct Telephone No.: (858) 314.1171

JP No.: JP006562 CAM No.: Docket No: 896034-605001

Send copies to: Number of pages (including this page): 6

Re:

**NOTICE:** This communication is intended to be confidential to the person to whom it is addressed, and it is subject to copyright protection. If you are not the intended recipient or the agent of the intended recipient or if you are unable to deliver this communication to the intended recipient, please do not read, copy or use this communication or show it to any other person, but notify the sender immediately by telephone at the direct telephone number noted above.

See attached

Please call us immediately if the facsimile you receive is incomplete or illegible. Please ask for the facsimile operator.

LAI-2843965v1

ATLANTA • BEIJING • BRUSSELS • CHICAGO • CLEVELAND • COLUMBUS • DALLAS • FRANKFURT • HONG KONG • HOUSTON  
IRVINE • LONDON • LOS ANGELES • MADRID • MENLO PARK • MILAN • MUMBAI • MUNICH • NEW DELHI • NEW YORK  
TAIPEI • TOKYO • WASHINGTON

Express Mail No.: EB 132 598 543 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

Application of: Barber, Elizabeth K.  
Serial No.: 09/966,264  
Filed: September 28, 2001  
For: GENE EXPRESSION  
CONTROL DNA ELEMENT  
AND ASSOCIATED PROTEIN

Confirmation No.: 4008  
Art Unit: 1636  
Examiner: KAUSHAL, Sumesh  
Attorney Docket No.: 896034-605001

JAN 25 2007

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment ("Notice") dated January 23, 2007, in connection with the above-referenced application, Applicant submits herewith a corrected Listing of the Claims. Please consider the Remarks below.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on January 25, 2007 to facsimile number 571-273-8300.

  
by: Lawrence S. Graham

Reg. No.: 49,020

LAI-2843952v1